

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
v.)	Docket No.: 1:20-CR-10165-LTS
)	
ALAN NEAL SCOTT,)	
Defendant.)	

**RESPONSE IN OPPOSITION TO THE DEFENDANT'S MOTION
TO MODIFY A SPECIAL CONDITION OF SUPERVISED RELEASE**

The United States hereby submits this response in opposition to defendant Alan Neal Scott's Motion to Modify a Special Condition of Supervised Release *Doc. No. 99*. In support thereof, the United States sets forth the following:

On October 18, 2021, after pleading guilty to four counts of mail fraud, one count of wire fraud, and five counts of aggravated identify theft, the defendant was sentenced to 87 months in prison, 3 years of supervised release, and ordered to pay \$1,000 in special assessments and \$343,527 in restitution. *Doc. No. 85*. In accordance with a lowered guideline sentencing range, on April 25, 2024, the Court granted the defendant's motion and reduced the sentence to a term of imprisonment to 75 months, with all other provisions still in effect.

To date, the defendant has paid a total of \$250, which has been applied to the special assessment. His most recent payment was made on June 4, 2024. The defendant continues to owe another \$750 in special assessments and the entire \$343,527 in restitution.

The judgment included several special conditions of supervision including that the defendant "must provide the Probation Office access to any requested financial information, which may be shared with the Financial Litigation Unit of the U.S. Attorney's Office." *Doc. No. 85*.

The defendant has refused to sign an authorization form for his probation officer to be able to pull his credit reports. In his motion, the Defendant's position is that he can access, print, and provide the credit reports to his probation officer, and so there is no need for the probation officer to pull the reports themselves. The Probation Officer objects to any modification of his special conditions, and requests clarification that signing the authorization form is a special condition of supervision.

The Court may provide certain special conditions that satisfy the requirements of 18 U.S.C. § 3563(b), which provides a list of discretionary conditions, including "satisfy such other conditions as the court may impose..." 18 U.S.C. § 3563(b)(22). Here, the Court properly imposed the special condition that the defendant must "provide the Probation Office access to any requested financial information, which may be shared with the Financial Litigation Unit of the U.S. Attorney's Office." In the *Overview of Probation and Supervised Release Conditions*, (<https://www.uscourts.gov/about-federal-courts/probation-and-pretrial-services/post-conviction-supervision/overview-probation-and-supervised-release-conditions>), Chapter 3, Section III, Part D, Subsection 1.b., the following special condition is explicitly referenced: "[p]robation officers are to obtain a signed authorization from the defendant to obtain financial records...the authorization provides officers with ongoing access to credit reports for 90 days." Here the Court's special condition that the defendant "must provide the Probation Office access to any requested financial information" necessarily includes the defendant signing the authorization form.

WHEREFORE, the United States requests that this Court enter an order denying the defendant's motion and clarifying that signing the authorization form is a special condition of his supervised release.

Respectfully submitted,

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United States Attorney,

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Dated: February 5, 2025

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2025, this document was filed through the ECF system and sent electronically to any registered participants, and a paper copy was sent by mail to the defendant at the following address:

Alan Scott
Melrose, MA 02176

Date: February 5, 2025

/s/ Brendan T. Mockler
BRENDAN T. MOCKLER
Assistant United States Attorney